

MINUTES OF THE REGULAR WORKSHOP MEETING
CITY COUNCIL
BOCA RATON, FLORIDA
MONDAY, JANUARY 9, 2006
1:30 PM

The Workshop Meeting of the City Council of the City of Boca Raton, Florida was called to order by Mayor Steven L. Abrams at 1:30 p.m.

ATTENDING THE MEETING WERE:

Mayor Steven L. Abrams
Deputy Mayor Susan Whelchel
Council Member Bill Hager
Council Member Susan Haynie
Council Member Peter R. Baronoff

Also attending the meeting were:

City Manager Leif J. Ahnell
City Attorney Diana Grub Frieser
City Clerk Sharma Carannante

1. BOARD INTERVIEWS:

There were no positions advertised.

2. PUBLIC REQUESTS:

John Stetz provided suggestions for changing legislation in regard to occupational licensing and generators. He also advocated affordable housing and opined that developers should be prohibited from buying out of programs.

David Siegel, Tarina Rasmussen, Ron Goldfarb, and Mark Landau, voiced support for increasing the salaries of the Mayor and City Council, in addition to changing term lengths; they asked that these two items be placed on the March ballot. Mr. Landau also commended Council for proactively soliciting the relocation of the Scripps Research Institute to the Boca Raton area.

William Andrews spoke to three issues: 1) he provided positive commentary related to City staff, saying it was a pleasure to do business with them, 2) he referred to Representative Irv Slosberg's presentation to the County Commission advocating integration of private enterprise with FEMA for distribution of food, ice, pharmaceuticals, and gas in the immediate aftermath of a hurricane; he asked that Council support this initiative, and 3) he advocated a different approach to tree trimming, citing the many homes that were isolated following Hurricane Wilma, due to fallen trees and tree limbs.

Mayor Abrams asked Mr. Andrews to provide a copy of Representative Slosberg's presentation to Council and then asked the City Manager to explain what the City is currently doing to coordinate with the private sector in the aftermath of hurricanes. Mr. Ahnell explained that the City was considering formation of a committee of approximately 10 people, representing different communities in the City of Boca Raton, to provide recommendations and suggestions to improve communications between the City and its residents after a disaster; discussion and additional details followed.

Regarding term lengths and the increase in salaries for the Mayor and Council, the City Manager advised that January 27, 2006 is the deadline for placing these questions on the March ballot; he confirmed with Council that introduction of the ordinances, outlining the proposed term limits and salaries, would be required at tomorrow night's meeting, with Council voting on same at the next regular Council meeting of January 24, 2006, in order to meet the deadline. The City Attorney was asked to prepare the ordinances for introduction tomorrow night 1) to reflect the length of terms, specifically, making the change to two 3-year terms, and 2) to reflect the proposed increase in salaries. Responding to Council, the City Manager advised that the salary survey from last year would be updated and provided at a later date. Further discussion focused on the importance of proactively educating voters on the issues.

3. REVIEW OF REGULAR AGENDA ITEMS:

a. Questions relating to the agenda.

(Consent Agenda Item Nos. 3.e.3, 3.e.4, and 3.f.3 – Ballfield Lighting Parts and Fixtures; Ballfield Lighting Assemblies and Fixtures; and Electrical Inspection and Repairs to Sports Lighting, respectively) Council Member Haynie indicated that these items were needed to repair ball field damage, as a result of Hurricane Wilma and then questioned whether these items were reimbursable from FEMA. Mr. Ahnell advised that the City would make payments up front and then apply for 75% reimbursement from FEMA.

Council Member Hager referred to tag-along bids (piggybacking) and confirmed with the City Manager that whatever price is obtained by one governmental agency is the best price that can be obtained in the State by any other governmental agency. Mr. Hager then confirmed with the City Manager that not only does piggybacking on another government contract ensure that the City is receiving the lowest price but City staff also conducts their own pricing of the product or service, as further assurance that the rate/cost is competitive.

(Consent Agenda Item No. 3.l. – Resolution No. 7-2006 / Agreement with the State of Florida, Department of Environmental Protection, relating to reimbursable funding for the South Boca Raton Beach Renourishment Project) Deputy Mayor Whelchel questioned what percentage of the cost would be reimbursed to the City. The City Manager is to follow up.

b. Resolution No. 2-2006 (Regular Agenda Item No. 5), granting a variance pursuant to the City of Boca Raton Coastal Construction Setback Ordinance for the Athena Condominium Association, Inc., to construct a dune crosswalk at 2070 North Ocean Boulevard

Development Services Senior Planner Chris Kerr gave the PowerPoint presentation. Acreage, ocean frontage, and surrounding properties were identified, as was the proposed location of the dune crosswalk. Mr. Kerr provided brief background information, advising that the original property owners damaged the dune and vegetation while working without a City permit. He explained that this site plan for the dune crosswalk is a re-submittal of a plan originally approved by the Environmental Advisory Board (EAB); Council denied the previous request in February 2001. In the interval, the property owners worked with the City and the State to restore the dune, which now meets the requirements of both the State and the City. All appropriate City departments have reviewed this petition, as has the EAB, which recommended approval; staff is also recommending approval with the conditions included in the resolution.

4. FUTURE AGENDA MATTERS/ITEMS OF COUNCIL/PUBLIC CONCERN:

a. Presentation on Workforce Housing

The City's Community Improvement Administrator, Teresa McClurg, gave the PowerPoint presentation. She provided very comprehensive and detailed information including, but not limited to, what constitutes affordability, the formula used to determine who is eligible for workforce housing, what workforce-housing prices would be, where this housing would be located, and incentives for developers. Particular attention was given to a proposed density bonus program, which would be voluntary. Specifically, in exchange for higher unit density, a developer would agree to construct and permanently set aside a specified number of workforce housing units; details were provided. Additional information focused on development and design standards for workforce housing, preservation of affordability, and steps to take regarding implementation of a workforce housing ordinance. Ms. McClurg concluded her presentation by advising that passage of the proposed ordinance was projected in the fall of 2006.

Extensive discussion by Council followed; Ms. McClurg answered questions related to regulation, economic forces, how to ensure that people who work in Boca Raton would get to live in Boca Raton, density bonuses and the impacts of same on the City, whether the proposed program should be mandatory, effectiveness of land trusts, and the trend whereby rental units are being converted to condos. The City Manager explained that the proposed Workforce Housing Ordinance would be introduced tomorrow night. In addition, at the behest of Council, staff would review mandatory and

buyout options for the program, the rental conversion issue, and the potential of creating a pool of money, or a fund, to assist people with financing homes.

b. New Growth Management Laws

Development Services Senior Planner Jennifer Simon gave the PowerPoint presentation and reviewed the highlights of Senate Bill 360 (SB 360), known as the 2005 Growth Management Reform Legislation. She advised that this legislation significantly impacted capital improvements, transportation, water supply planning, and public school planning; she noted that this last item did not impact specifically Boca Raton since Palm Beach County has already implemented public school concurrency. Ms. Simon provided specifics related to capital improvements reform, transportation concurrency reform, water supply planning reform, and the regulatory relief being provided to local governments in the form of exemptions. She then concluded her presentation and answered questions from Council, advising that the transportation element would be the most difficult in terms of compliance. She clarified that anything the City might put in its Capital Improvement Element (CIE) program must have guaranteed funding on the part of the City. For example, if a road improvement is included in the CIE and a developer's proposed project would force that road to fail level-of-service, the developer could still construct the project if he could pay his "fair share" of that project; the City would then be obligated to spend the money at that time to build that roadway. Mr. Ahnell provided additional details and examples as to what this reform means to the City and stated that extreme care must be taken when determining what projects are put on the books and what levels-of-service will be established; he advised that the City could find itself in the position of having to expend hundreds of millions of dollars on transportation improvements that it's not prepared to make. Mr. Ahnell then touched on other potential impacts of this new legislation and addressed additional questions from Council related to transportation concurrency, concurrency exemption areas, and alternative transportation.

Responding to comments from Council regarding County impact fees, Ms. Frieser explained that the City could adopt a fair-share mitigation program to ensure that a portion of the impact fees going to the County actually come back to the City in order to assist with transportation funding. Mr. Ahnell added that cities are prohibited from instituting impact fees as they relate to roads; consequently, cities do not have the ability to raise money to fund transportation projects.

Ms. Simon advised that, by Statute, the City is required to adopt its proportionate fair-share ordinance must be adopted by December 2006. A model ordinance was drafted by FDOT; the municipalities must draft their individual ordinances by the end of the year.

Responding to questions from Council, the City Attorney and Ms. Simon provided information related to submittal of amendments to the State for Development of Regional Impact (DRI) review, advising that a number of amendments could be "packaged" into one of the two submittals allowed each year.

5. CITY MANAGER REPORTS:

Scripps Research Institute

Mr. Ahnell provided brief background information on the somewhat troubled North County site for the proposed Scripps Research Institute, advising that the question now was whether Scripps could be located elsewhere in Palm Beach County. After reviewing the facts, City of Boca Raton representatives contacted Governor Bush last Friday to determine whether an urban area, such as Boca Raton, could meet the State's vision. Mr. Ahnell advised that Governor Bush responded positively, with the understanding that the City's proposal must meet necessary requirements. Consequently, City staff was preparing a proposal for the Boca Raton area. The City Manager met with the Governor's staff, the Mayor of Delray Beach, and the Mayor and City Manager of Deerfield Beach; Mr. Ahnell explained that Mayor Abrams also joined that meeting after he met with the State staff. He then cautioned that the issues have not all been identified as yet. In addition, identification of specific parcels to be involved is needed in order to determine which combination would work best and meet the criteria of the County, the State, and Scripps. Responding to Council, Mr. Ahnell explained that a finalized proposal was expected Thursday. He added that the Governor's office has indicated that the proposal must be as definitive as possible.

Responding to additional questions from Council, the City Manager stated that the largest issue to be addressed is certainty regarding control of the land. It needs to be within the control of State, County, and local government authorities, who can guarantee that the Scripps project can grow and expand as anticipated in their vision; details were provided. Mr. Ahnell stated that the City has land available to meet this criteria; however, public hearings and Council consideration are part of the process.

Staff was currently identifying immediate major issues, including environmental issues, traffic issues, concurrency issues, acreage, and vesting, to ensure that the package created addressed same right now, as much as possible, to provide the certainty needed by all parties. Mr. Ahnell stated that the Scripps project presented an unbelievable opportunity to bring about synergy in this area; he cited the medical programs at Florida Atlantic University (FAU) and those anticipated in conjunction with Boca Raton Community Hospital, the relationship both entities have with the University of Miami, and expansion of their biomedical programs. Scripps could link all this together to create something phenomenal, not only for today but for years to come. The Mayor and Council then voiced their support for Scripps locating in Boca Raton.

6. CITY ATTORNEY REPORTS:

The City Attorney had nothing to report at this time.

7. MAYOR AND COUNCIL MEMBER REQUESTS AND REPORTS:

Deputy Mayor Whelchel reiterated the need to reevaluate the City's tree trimming process.

The regular workshop meeting of the City Council of the City of Boca Raton, Florida, adjourned at approximately 3:16 p.m. on Monday, January 9, 2006.

Vanessa Hines, Assistant City Clerk